



PLANNING COMMISSION STAFF REPORT MAY 25, 2006

Project:	HOLY SPIRIT CHURCH- (PLN2006-00160)
Proposal:	To consider a Conditional Use Permit Amendment and Preliminary Grading Plan for the construction of a new 11,338 square foot "Religious Education and Activities Center" and site layout modifications on the current Holy Spirit Catholic Church Parish property.
Recommendation:	Approve based on findings and subject to conditions.
Location:	37588 Fremont Boulevard in the Centerville planning area. APNs 501-1470-022-02 & 501-1470-023-04 (See aerial photo next page)
Area:	11,338 square foot proposed building on an 11.54-acre lot
People:	E. Paul Kelly, Applicant Ken Watson, Architect Scott Simmons, Structural Engineering Consultant Al Morris, Civil Engineering Consultant Rick Stover, Landscape Engineering Consultant Roman Catholic Diocese of Oakland, Owner Joel Pullen, Staff Planner (510) 494-4436; jpullen@ci.fremont.ca.us
Environmental Review:	An Initial Study and Mitigated Negative Declaration were circulated.
General Plan:	Residential, Low (5-7 dwellings per acre) & High (23-27 du/ac) Density
Zoning:	R-1-6 (Single-family Residential District); R-G-19 (Garden Apartment Residential District)

EXECUTIVE SUMMARY:

Holy Spirit Church has proposed to construct a new 11,338 square foot building to be used for "religious education and activities." The building would be used for child and adult education not related to the operation of the onsite school. Associated site modifications are proposed to parking and landscaping in the vicinity, and a preliminary grading plan has been prepared to facilitate the necessary cut and fill of earth. This report analyzes the site's history, location, and the planning considerations associated with the new building and site development.



Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area.



SURROUNDING LAND USES:

- North: Remainder of Church/School Campus, Residential
- South: Residential fronting on Fremont Boulevard
- East: Centerville Junior High School
- West: Fremont Boulevard and Parish Avenue Intersection

BACKGROUND AND PREVIOUS ACTIONS:

Located at the southeast corner of the intersection of Parish Avenue and Fremont Boulevard, the church property is at the southern end of Centerville's Main Street retail area. The church, which was constructed in 1921-2, is the principal building on the site in terms of both historical significance and centrality to the primary use. The remainder of the campus, including a school, former convent (Governo House), rectory, Msgr. Breen Parish Center, and preschool, has been constructed since the 1950s.

Since Holy Spirit (formerly "Holy Ghost") Parish was expanding during the mid-1950s, Alameda County issued some early use permits--C-572 for the elementary school in 1955 and C-26 (F) for the convent, which were turned over to the City of Fremont for issuance of Conditional Use Permit U-29 in May of 1956. Use Permit U-46, in October 1956, ratified Alameda County's approval to expand the shed-roofed aisles of the existing church outward as side wings (to allow more seating). Use Permit U-94, in April 1958, permitted ongoing enlargement of the school and convent. The City issued Use Permit U-60-66 for the elementary school in 1960, and amended that use permit twice--in 1987 to permit a 1,440 square foot modular science classroom (no longer existing; U-60-66A) and in 1992 to add a day care center (U-60-66B). In February 1967, use permit U-67-5 permitted construction of a rectory to replace one torn down, facilitated the addition of the church's rear nave along with a plaza and arcade between the church and the rectory along Fremont Boulevard, and allowed a snack bar to be built to serve the baseball fields to the rear of the lot. Breen Hall was built in 1975 under the general auspices of U-60-66.

In October of 2001, City Council introduced an ordinance for a Planned District (PLN2001-00240) at 37638 Fremont Boulevard for four condominium units behind an existing single-family home. That application was withdrawn before the ordinance's second reading, and the rear 155 feet of the property, containing 10,132 square feet, was subsequently acquired, through Lot Line Adjustment LLA-01-2 (PLN2002-00119), for the development of the religious education and social activities center that is the subject of this application.

PROJECT DESCRIPTION:

This application is for the development of a 11,338 square foot religious education and social activities center on the 11.15-acre Holy Spirit Church property at 37588 Fremont Boulevard in the Centerville Planning Area. The facility is proposed on a portion of the southerly, unimproved portion of the parcel, south of "Governo Hall" (the former convent) and adjacent to the driveway in between single-family homes that separate the bulk of the church property from Fremont Boulevard. The proposed facility contains arcades with rectilinear openings, has gable roofs with eaves, is substantially set back from Fremont Boulevard, and is approximately 26 feet in height from the proposed grade. The applicant is also proposing to fill the site to achieve positive drainage flow. Approximately 96 net cubic yards of fill will be added to the site. The exterior walls are sheathed in white-painted stucco with a Spanish tile roof, and a square tower element with a sloped roof marks the center of the south side. A rectilinear flat-roofed portico is proposed on the east side (facing the existing parking lot at rear). Associated landscaping, circulation, refuse and recycling enclosure, and parking improvements are proposed.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Low and High Density Residential. The proposed project is consistent with the existing General Plan land use designation for the project site because Religious Facilities are permitted in all residential districts subject to approval of a conditional use permit. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

FUNDAMENTAL GOAL 8: A diversity of residential, recreational, cultural, employment and shopping opportunities

Analysis: The proposed building is intended to operate for religious education and activities, providing cultural opportunities in the community.

Policy LU 1.1: ...Schools, Childcare Centers, Public and *Semi-Public Facilities* (e.g. churches) and Nursing Care facilities...may be allowed, although conditions may be established to limit the impacts of these uses on residents [emphasis added].

Analysis: The proposed building will operate as a portion of the church's campus, providing a venue for religious education and activities for both adults and children in the community.

Centerville Specific Plan Conformance:

The Holy Spirit Church and School Campus straddles the boundary between Centerville Specific Plan Subareas nine and ten. The proposed building is on the northern boundary of Subarea ten. The project is a modification of an existing use that is appropriate within both the residential zoning district and the Specific Plan area. See the architecture section below for additional discussion of the Centerville Specific Plan design guidelines.

Zoning Regulations:

As set forth in Sections 8-2603(f) and 8-2803(g) of the Fremont Municipal Code (FMC), "Public and quasi-public uses of recreational, educational, religious, cultural or public service type..." are allowed in the R-1-6 and R-G-19 districts subject to a Conditional Use Permit when in conformance with the special provisions of FMC 8-22145.

Parking:

FMC §8-22003(b)(2)h.1. requires religious facilities on an arterial with more than 150 seats in "the principal room or hall" to have one space for each five of those seats. Since the applicant states that the sanctuary has a capacity of 851 people, 170 parking spaces are required. Other buildings on site use parking intermittently, according to characteristics of their respective uses. Per FMC 8-22003(b)(2)g.1., the school requires nineteen spaces--one for each school employee during weekdays. The day care center, which enrolls fifty students and has eight employees, may generally operate daily between 7 a.m

and 6 p.m. The day care therefore requires seven parking spaces. The site has 308 parking spaces--more than adequate for the combination of uses on site. In addition to the parking provided, the applicant has proposed a rack for three bicycles near the entrance of the new building.

During several site visits, staff observed that certain parking spaces were unavailable for vehicular storage during school hours due to cone placement and gate closure configurations--apparently to accommodate children's play areas. A condition is proposed, subject to Development Organization review, to clarify that vehicular circulation areas needed for parking shall not be used for children's play due to obvious conflicts between the two and risks involved. The applicant indicates a large area of "existing play fields" to the east; these are more appropriate for such use. See Condition twenty-seven.

Design Analysis:

Site Planning and Circulation:

The church and school complex currently has four improved vehicular access ways--two from Fremont Boulevard and two from Parish Avenue. The primary driveway (outside of the current scope of work) continues on the other side of the signaled intersection of the eastern terminus of Central Avenue. Another driveway in between 37638 and 37658 Fremont Boulevard, which can be accessed only from northbound Fremont Boulevard, is proposed for reconfiguration as part of this application in order to provide the most direct vehicular and pedestrian access near the new building. The two driveways on Parish Avenue are on either side of the existing elementary school building. Complete access to all internal circulation within the site is possible from any driveway.

Two very old, unimproved easements are also located in the vicinity of the southern parking lot. Bettencourt Court and Pierce Way form a horseshoe-shaped drive around 37678 Fremont Boulevard. According to available records, it appears that these are wholly within the boundaries of that neighboring address, although structures appear to have been built upon parts of the easement. Existing landscaping on church property prevents access to or from Bettencourt Court; there is access through Pierce Way to and from the parking lot through a gate. The church has not expressed a desire to use Bettencourt Court, and according to the applicant's engineer, the church is not burdened by any easements associated with Bettencourt Court or Pierce Way. A condition is proposed, however, that Holy Spirit Church cooperate with the adjoining neighbors' proposed residential development in order to improve access to and from Fremont Boulevard in accordance with any legal obligations, and that the church not routinely use Pierce Way unless plans are proposed to develop a driveway there conforming to City requirements.

Architecture:

Holy Spirit Catholic Church, as a Spanish Colonial Revival church central to the history of Centerville, appears to be eligible for the National and California Registers. See Informational enclosure "2" for a more detailed description of the site's history. Other buildings on site have varying styles, as evidenced from the following excerpt from a 2001 report by Basin Research Associates:

"...other buildings in the complex, all built since the 1950s, are also modern in feeling. The one-story school, fronting on Parish Avenue, is a U-plan, flat-roofed structure with stucco walls, flagstone trim, and bands of casement windows. The one-story former convent (Governo House), built around a courtyard, is a gabled and hip-roofed structure

with stucco walls. The rectory, fronting on Fremont Blvd., is a two-story gabled structure with panels of adobe brick and bands of aluminum windows. The Msgr. Breen Parish Center is a two-story gabled structure with walls of adobe brick and corrugated aluminum. The adjoining preschool resembles the parish center."

The proposed religious education and activity center would be set back from Fremont Boulevard by approximately 130 feet. The building is asymmetrical in shape, containing arcades with rectilinear openings. A gabled, Spanish tile roof without eaves slopes up at 18.5 degrees to a maximum height of approximately twenty-six feet. Exterior walls are sheathed in white-painted stucco, with solar tinted storefront windows and red doors. While the south side contains a square tower element with a cross inside a circular opening, a rectilinear flat-roofed portico borders the east side of the building.

During the previous Preliminary Review Procedure (PRP) application, staff requested the applicant to provide a written architectural design statement (Informational enclosure "3") in response to staff concerns based upon observations that some elements proposed did not appear to be compatible with Spanish style influences evidenced in the primary buildings onsite. For instance, flush-mounted solar-tinted windows, rectilinear openings of the arcades, and the lack of eaves made the building appear similar to office or industrial buildings in character, whereas recessed windows, softer lines, and overhanging eaves were more consistent with the residential structures immediately adjacent. The architect's written design statement commented that only one of the ecclesiastical complex's eight buildings is residential, that the "various existing church buildings are of no consistent architectural style, shape or color" and the area should be seen as "primarily an extension of the commercial district in character, not as a residential area, as the commercial area extends south along the east side of Fremont Boulevard to the middle school." The architect also states that the church already owns one and has plans to acquire another of the three residences between the new building and Fremont Boulevard. The proposed multi-use building's design is described as "crisp and well proportioned, with major and minor tower structures to mark the main entrances to the building." The architect envisions "a strong functional relationship between the church and the new building," arguing that the new building "is designed to a scale and of materials (white plaster and tile roof) that are sympathetic to the church." In contrast, the home immediately between the proposed building and Fremont Boulevard is said to be "of another era [it was built in 1906] and not of a scale or design precedent that is appropriate for the new building." Nevertheless, the applicant has agreed to provide eaves for the building to be more sensitive to nearby architecture, and a condition is proposed to locate solar-tinted glass away from building entries to promote pedestrian-friendliness. Staff recommends approval of the building with these modifications.

The Centerville Specific Plan (CSPC) has Community Design Guidelines that are applied based on a consultation of "the Design Guideline Section that most closely resembles the proposed project." The church property spans Subareas nine and ten, and is immediately adjacent to Subarea 1, which is the historic retail district of Centerville. Although Holy Spirit Church is not defined as a "Heritage Structure" in the Centerville Specific Plan, its eligibility for the National and California Registers necessitates sympathetic development nearby that "respect[s] their historic character, detailing, and scale...carefully designed to relate to adjacent heritage structures without necessarily mimicking them" (CSPC Design Guideline 1.2). This building is set back from Fremont Blvd, adjacent to several existing single-family homes, closely situated to Governo House, with the church building and Breen Center a little farther removed. As such, the building should use "architectural devices providing a transitional treatment between the old and the new" to properly relate the building into its setting. Staff recommends approval of the proposed building with the modifications previously described.

Open Space/Landscaping:

Pear trees line the southern edge of the Breen Center, while mulberry and camphor trees are planted throughout the landscape islands in the interior of the site. Young Italian cypress stand along the edges of the southwestern residential areas and taller, more mature cypress are along the edges of the northeastern residential lots. A mature palm and a cypress tree mark the driveway entrance nearest the new building. The applicant has proposed to retain these two trees in the site design, while providing an assortment of broadleaf evergreens, melaleuca, flowering cherry, and flowering pear throughout the various portions of the proposed new internal circulation area. Flowering shrub beds are proposed along the building's landscaped edges, while low accent planting marks the area near the decorative concrete plaza in front of the southern entryway.

Grading & Drainage:

The preliminary grading plan anticipates 643 cubic yards (cy) of cut and 739 cy of fill, resulting in a net import of 96 cy. The finished floor of the new building will be at 50.75 feet on ground that previously ranged from approximately 47 to 52 feet in height. Drainage will be accomplished through provision of a new storm drain and appropriate stormwater treatment as determined during Development Organization review.

Applicable Fees:

This project will be subject to Citywide Development Impact Fees. These fees include fees for fire protection, capital facilities and traffic impact. This project is located within sub-areas nine and ten of the Centerville Specific Plan, and the Centerville Specific Plan fee (related to the cost of preparing the Centerville Specific Plan) is not applicable to these sub-areas. All applicable fees shall be calculated and paid at the fee rates in effect at the time of building permit issuance.

Environmental Review:

An Initial Study and Draft Mitigated Negative Declaration have been prepared for this project. The environmental analysis identified concerns regarding potential impacts to Air Quality and Hydrology. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included as conditions of approval for this project. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as Informational enclosure "1".

Mitigation measures

Construction procedures are being required to control particulates' impact on air quality, a coordination plan is being required to prevent schoolchildren from being exposed to substantial particulate concentrations, and best management practices will be incorporated into site design to mitigate potential water quality impacts due to the site modifications. In addition, a Mitigation Monitoring Program is recommended for adoption in order to ensure implementation of these mitigation measures.

The initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089 (see attachment to Draft Mitigated Negative Declaration). The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 131 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on May 11, 2006. *The Argus* published a public hearing notice on May 11, 2006.

ENCLOSURES:

Exhibits:

- Exhibit "A" Draft Mitigated Negative Declaration
- Exhibit "B" Site plans, floor plan, elevations, building sections, demolition plan, preliminary grading plan, and preliminary landscape plan
- Exhibit "C" Findings and Conditions of Approval

Informational Items:

1. Initial Study and Mitigation Monitoring Plan
2. Department of Parks and Recreation form for Holy Spirit Church
3. Architect's design statement
4. Project engineer's statement regarding easements

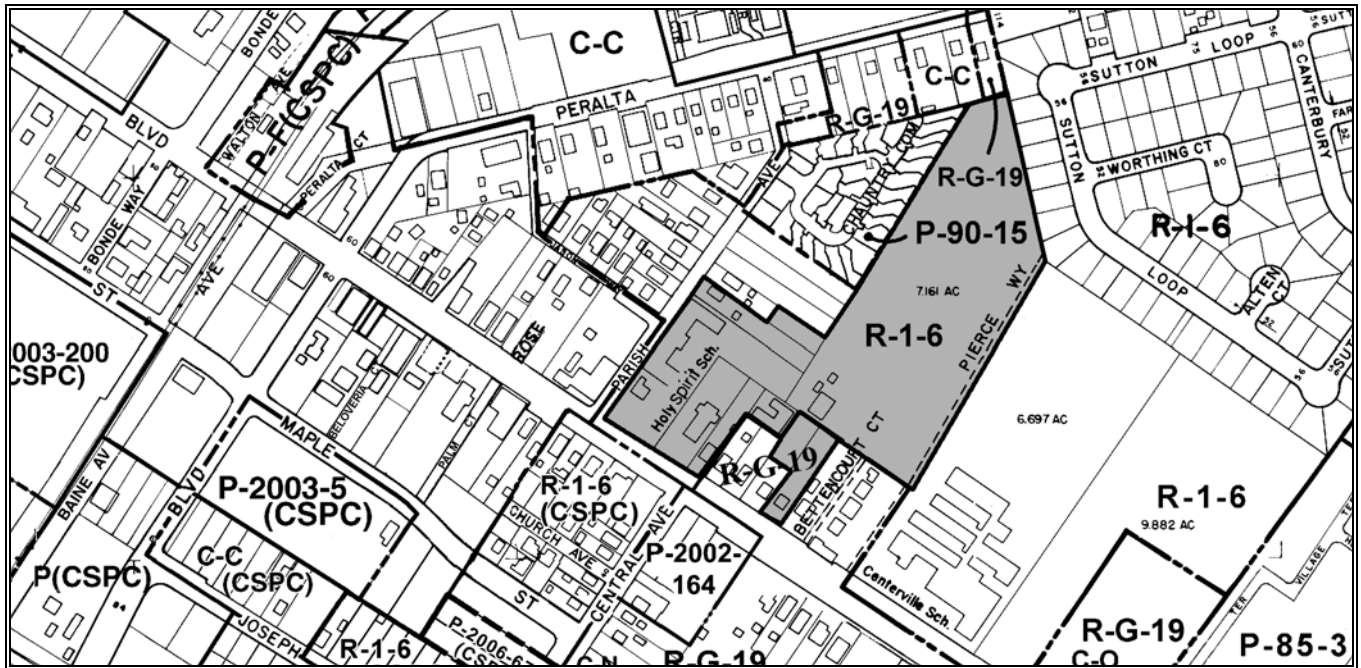
Supplemental Hearing Materials:

5. Photographic Survey
6. Artist's rendering of proposed building.
7. Materials and Colors Board

RECOMMENDATION:

1. Hold public hearing.
2. Find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Adopt Mitigated Negative Declaration and Mitigation Monitoring Plan and recommend the use of a Certificate of fee exemption and find these actions reflect the independent judgment of the City of Fremont.
4. Find that Conditional Use Permit and Preliminary Grading Plan (PLN2006-00160) are in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report. The project conforms to the goals and objectives of the Centerville Specific Plan.
5. Approve Conditional Use Permit and Preliminary Grading Plan (PLN2006-00160), as shown on Exhibit "B", subject to findings and conditions on Exhibit "C".

Shaded Area represents the Project Site



Existing General Plan



Exhibit "C"
Findings and Conditions of Approval for
PLN2006-00160 -- Holy Spirit Church Religious Education and Activities Building

Findings:

- a. The proposed use is consistent with the general plan's land use chapter as enumerated within the staff report;
- b. The site is suitable and adequate for the proposed use because there is significant parking available and the building is of a scale appropriate for the neighborhood;
- c. The proposed use and design would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services because all of these have been assessed in the initial study and found to be not significant or less than significant impacts;
- d. The proposed use would not have a substantial adverse economic effect on nearby uses because the existing church providing additional services does not impact nearby commercial uses in a negative way;
- e. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because the site has been appropriately planned to accommodate onsite vehicle circulation and storage, bicycle and pedestrian access, and the building itself is required to be built according to the current building and fire codes;
- f. The design of the project, as discussed in the staff report's architecture and site planning sections, is compatible with existing and proposed development in the district and its surroundings; and
- g. This use permit includes site plan and architectural review, and conditions of approval will guide the subsequent Development Organization review process.
- h. The proposed project described in the application will not have an appearance, due to the grading, excavation or fill, substantially and negatively different from the existing natural appearance because the cut and fill results in a relatively low net import;
- i. The proposed project described in the application will not result in geologic or topographic instability on or near the site because the surrounding area is relatively flat and the cut and fill will be accomplished in concert with City codes and generally accepted engineering standards.
- j. The proposed project described in the application will not endanger public sewers, storm drains, watercourses, streets, street improvements or other property; will not interfere with adequate drainage courses; and will not result in debris being deposited on any public way because adequate drainage infrastructure is being proposed in accordance with Exhibit "B" referenced herein and subject to review and approval of the City's Engineering Division during Development Organization review.

- k. The project conforms to special concerns relating to the adopted seismic safety element and concerns in that it is not shown on maps issued by the U.S. Geological Survey and the California Division of Mines and Geology; supplemental data and substantiation of conclusions may be required by the City Engineer upon city review of the reports; and
- l. The proposed project described in the application will not unacceptably affect the health, safety or welfare of adjacent residents or landowners, nor the citizens of Fremont because the preliminary grading plan is in accordance with City code requirements.

Conditions:

A. General Conditions:

1. The project shall conform with mitigation measures set forth in Exhibit "A."
2. The project shall conform with Exhibit "B," except as modified herein, and allow the construction of a 11,338 square foot building to be used for religious education and activities.
3. The project shall comply in all respects with applicable portions of the Fremont Municipal Code, State, and federal law, and as these may be amended.
4. Development Impact Fees and Centerville Specific Plan fees are required and shall be paid at the fee rates in effect at building permit issuance.
5. Site development plans shall be submitted to the Development Organization for review and approval.
6. The proposed building will not be used in any way as part of the existing school without review and approval of a subsequent conditional use permit amendment that takes that unites that separate use permit into a master use permit for the entire site.
7. Construction hours will be limited in accordance with Section 8-2205 of the Fremont Municipal Code, and notes to this effect shall be placed on the cover sheet of the construction plans and on an all-weather notice board (format and content specified by City) conspicuously placed adjacent to the most visible right of way for the duration of the construction activity as follows:
 - a. Monday-Friday, 7 a.m. to 7 p.m.
 - b. Saturday & Holiday, 9 a.m. to 6 p.m.
 - c. Sunday, no construction activity allowed
8. This conditional use permit shall be subject to revocation or modification by the planning commission or city council at such time as any of the following conditions are found to exist:
 - a. Conditions of approval have not been fulfilled;
 - b. The use has resulted in a substantial adverse impact on the health and/or general welfare of users of adjacent or proximate property;
 - c. The use has resulted in a substantial adverse impact on public facilities or services.

B. Police and Fire Department Conditions:

9. The proposed building's construction plans shall comply with the applicable City-adopted building code occupancies, subject to review and approval of the Development Organization.
10. All work shall comply with the 2001 California Fire Code and the City of Fremont's Ordinance No. 2485.
11. The proposed building shall be fully sprinklered per NFPA 13, with a fire alarm system per City of Fremont standards.
12. A new fire hydrant will be provided as shown on the site plan.
13. Prior to installation, plans and specifications for the underground fire service line must be submitted to the Fremont Fire Authority and Building Department for review and approval. Cathodic protection shall be required unless a soils report indicates, subject to Development Organization review and approval, that protection is not required.
14. A key box shall be located outside of buildings and gates, and the Fremont Fire Department shall be provided with keys so that they may gain access. A keypad will be required with the access number given to the Fremont Police Department.
15. Fire department connections for all sprinkler systems must be located not more than 100 feet from a fire hydrant. NFPA 14. All inlets shall have Knox type caps and signs/address placards installed at the connection.
16. The applicant shall immediately notify the Fremont Fire Department, Hazardous Materials unit of any underground pipes, tanks, or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.
17. Roof-top addressing (for the police helicopter) is to be applied in a contrasting color, with a minimum size of 1' by 4'. Addressing shall be provided in a location of the roof most invisible from the ground, but visible from above, as determined during Development Organization review and approval.
18. A complex map shall be erected at the main entrance door and should be illuminated during the hours of darkness and positioned so as to be readable.
19. No trespassing/loitering signs are to be posted at entrances of parking lots and other pedestrian access points with letter of enforcement on file with the police department.
20. All entrances to parking areas shall be posted with appropriate signs per CVC 22658(a) to assist in the removal of vehicles at the property owners' request.
21. Fire lanes shall be designated along curb faces of drive aisles to maintain 24' drive aisle width.

C. Architectural Conditions:

22. The proposed building will be provided with overhanging eaves, subject to review and approval of such eaves by the Development Organization.
23. Solar-tinted glass shall be located away from building entries to promote pedestrian-friendliness, subject to the review and approval of the Development Organization.

D. Site Planning Conditions:

24. The new driveway curb cut on Fremont Boulevard shall be Type E Driveway per City Standard Details (SD-14). An encroachment permit is required for this and any other work in the public right-of-way.
25. For the project area parking lot, the Development Organization submittal shall include a separate striping and signing plan. All signing and striping work shall be in accordance with the 2003 Manual Uniform Traffic Control Devices (MUTCD), 2003 CA MUTCD Supplement and State of California 2002 Standard Plans and Specifications with the most current revisions. Parking spaces accessible to disabled people shall be in accordance with the adopted Building Code.
26. Because the applicant has not proposed to bring Pierce Way or Bettencourt Court up to City standards, Pierce Way shall not be routinely used by parishioners for access or egress unless and until appropriate improvements have been completed to bring that route up to City standards. Staff recommends working with the owner of 37678 Fremont Boulevard (for which a project is pending at this time) to create a mutually beneficial circulation plan for that area that respects the needs and rights of each property owner.
27. Vehicular parking and circulation areas that have been designated on the proposed site plan for such use shall not be used for children's play areas due to obvious conflicts between the two and risks involved. The Development Organization may review and approve limited use of these areas if (1) adequate egress from any portion of the site is maintained at all times, (2) potential conflicts between vehicles and play areas are sufficiently minimized by barriers used, and (3) parking spaces required for the operating uses are available when necessary. The applicant indicates a large area of "existing play fields" to the east; these are more appropriate for such use.

E. Environmental Services Conditions:

28. A trash and recycling enclosure of at least 144 square feet must be provided in accordance with FMC Section 8-22155 and the City's Waste Handling Requirements, subject to review and approval of the Development Organization.
29. The applicant is required to document construction and demolition debris resulting from this project. The City of Fremont Waste Handling Plan and Waste Disposal Report forms must be filled out and submitted to Environmental Services before and after work on the project, as described in the Waste Handling Requirements.

F. Mitigation Measure Conditions from the Mitigated Negative Declaration Circulated:

30. To mitigate the identified air quality impacts of grading and construction, the following mitigation measures will be incorporated into the project:
- a. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions;
 - b. Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage;
 - c. Paving shall be completed as soon as is practicable to reduce the time that bare surfaces and soils are exposed. In areas where construction is delayed for an extended period of time, the ground shall be revegetated to minimize the generation of dust;
 - d. Designate a person to oversee the implementation of the dust control program; and
 - e. During construction, streets adjacent to the project site that are used by construction vehicles shall be swept periodically to reduce dust
31. The project site is integral with the usual grounds of a parochial school. Throughout construction that may occur during normal school hours, children shall be kept away from the vicinity of the site development, and indoors or off-site if City staff deems necessary, so as to prevent sensitive receptors' exposure to substantial particulate concentrations. The applicant shall propose, subject to review and approval by the Development Organization, a construction and school operations coordination plan by which to prevent children from being exposed to substantial particulate concentrations.
32. Best Management Practices elements shall be incorporated into the site design to mitigate storm water, drainage, and water quality impacts for the project site. The project plan shall include erosion control measures to prevent soil, dirt, debris, or other pollutants from entering the storm drain system and natural watercourses during and after construction. This plan shall be subject to review and approval of the City Engineer during the Development Organization process. Project construction will be required to adhere to appropriate standards for the construction of the facility, emphasizing storm water Best Management Practices intended to achieve compliance with the goals of the Alameda Countywide Clean Water Program in conformance with the Federal National Pollutant Discharge Elimination System (NPDES) program established by the Clean Water Act.
33. The applicant shall observe the responsibilities described in the Mitigation Monitoring Plan for the preceding three conditions of approval.

G. Engineering Conditions:

34. The project proposes construction of new impervious surface area that exceeds 10,000 square feet. Currently, the project falls under Group 2 Projects of the C.3 Provisions. However the proposed project will fall under the Group 1 projects once the definition of Group 1 projects is changed to include all Group 2 projects effective August 15, 2006. The applicant shall comply

with the applicable standard, as determined by the projects timing and subject to Development Organization review and approval.

35. The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES permit requirements issued by the State's Water Quality Control Board.
36. In accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831, the property owners shall enter into a maintenance agreement for the long-term operation and maintenance of stormwater treatment measures. The agreement shall run with the land and be recorded at the same time that the final map is recorded.
37. The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
38. All public and private storm drain inlets are to be stenciled "No Dumping - Drains to Bay" using thermoplastic stencils purchased from the City of Fremont Maintenance Division. Alternative inlet stencils or marking may be permitted, subject to City Engineer approval during final map and subdivision improvement plan checking.
39. All on-site storm drains must be cleaned at least once a year immediately prior to the rainy season. Additional cleaning may be required by the City of Fremont.
40. For air conditioning units, air conditioning condensate should be directed to landscaped areas or alternatively connected to the sanitary sewer system after obtaining permission from Union Sanitary District. Any anti-algal or descaling agents must be properly disposed of. Any air conditioning condensate that discharges to land without flowing to a storm drain may be subject to the requirements of the State Water Resources Control Board's (SWRCB) Statewide General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality.
41. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable.
42. All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
43. The property owner shall prepare and implement a plan for pavement sweeping and cleaning of all storm drain inlets.
44. Precise geometry and location of all driveways shall be subject to approval of the City Engineer.

45. The project storm drain system shall conform to City standards and shall be subject to review and approval of the City Engineer and the Alameda County Flood Control and Water Conservation District.
46. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The plans will also include storm water measures for operation and maintenance of the project.
47. The developer is responsible for ensuring that all contractors and subcontractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
48. Approval of the Preliminary Grading Plan does not extend to the final detailed design approval necessary to be accomplished in connection with the development plans.
49. Approval of this Preliminary Grading Plan shall terminate twenty four (24) months from the date of approval by the Planning Commission.
50. A grading permit issued for the project shall be in accordance with the Grading, Erosion, and Sediment Control Ordinance (Chapter 4, Title VIII of the Municipal Code). Grading shall be subject to the approval of the City Engineer.
51. The applicant shall provide for a functional system to control erosion and siltation during and after grading subject to review and approval by the City Engineer. An erosion and sediment control plan shall be included as part of the grading plans.
52. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
53. A disposal site for the off-site haul dirt materials or source for the import fill shall be approved by the City prior to the approval of the grading permit. The off-site haul truck route for the excess dirt or import fill shall be subject to the approval of the City Engineer.
54. Prior to issuance of a grading permit for land disturbance greater than one acre, the developer is to provide evidence that a Notice of Intent has been filed and with the State of California Water Resources Control Board. Evidence shall include the WDID number assigned by the State. The developer is responsible for insuring that all contractors are aware of all storm water quality measures contained in the Storm Water Pollution Prevention Plan (SWPPP).
55. The applicant shall submit a detailed soils report prepared by a qualified engineer, registered with the State of California. The required report shall include recommendations regarding pavement sections. Grading operations shall be in accordance with recommendations contained in the required soils report and grading shall be supervised by an engineer registered in the State of California to do such work.